

Action  
OCA 2804-86

# **OFFICE OF CONGRESSIONAL AFFAIRS**

## **Routing Slip**

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	X
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		X
9. FOIA Officer		
10. Constituent Inquiries Officer		
11.		
12.		

SUSPENSE

~~20 Aug 86~~  
Date

Action Officer:

Remarks:

~~GI / 13 Aug 86~~  
Name/Date

STAT



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

August 7, 1986

DA CONGRESSIONAL AFFAIRS
86-2804

OCA FILE Legislation  
RECPT # Chrono

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

Department of Defense  
Department of the Interior (Park Police)  
Department of Justice  
Department of Labor  
Department of State  
Department of Transportation (FAA)  
Department of the Treasury (Secret Service)  
~~Central Intelligence Agency~~  
Equal Employment Opportunity Commission

SUBJECT: Attached letter from Congressman Jeffords to OPM, indicating his intent to seek repeal of statutory mandatory early retirement provisions affecting Federal employees during House floor action on H.R. 4154.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than Friday, August 29, 1986. The Education and Labor Committee report on H.R. 4154 is expected to be filed next week. The bill will come up on the floor after the August recess.

Questions should be referred to Elaine Rideout (395-6156), or to Hilda Schreiber (395-7362), the legislative analyst in this office.

*Naomi R. Sweeney*  
Naomi R. Sweeney for  
Assistant Director for  
Legislative Reference

Enclosures

08/05/86

14:37

DPM - REG'L OPNS

NO. 011

002

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July 28, 1986

Ms. Constance Horner  
Director  
Office of Personnel Management  
Room 5, H09  
1900 E Street, N.W.  
Washington, D.C. 20415

Dear Ms. Horner:

On July 24 the House of Representatives' Committee on Education and Labor "marked up" H.R. 4154. This bill will remove the upper age limit under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 et seq. As now in force, the ADEA prohibits discrimination in employment on the basis of age for workers between ages 40 and 70. Thus, a worker cannot be mandatorily retired on the basis of age prior to age 70.

When the ADEA was originally enacted, it applied to workers up to 65 years old. In 1978 Congress amended the statute, raising the age ceiling from 65 to 70 for most non-Federal workers. The section of the statute dealing with Federal workers, 29 U.S.C. 633a, was also amended. The upper age cap was entirely eliminated for most Federal workers, and the ADEA now generally forbids mandatory retirement of Federal workers on account of age.

Unaffected by the 1978 amendments were statutes that mandate retirement at various specified ages for a number of Federal workers. For example, 5 U.S.C. 8335(a) calls for retirement of air traffic controllers at age 56, and 5 U.S.C. 8335(b) generally requires Federal law enforcement officers and firefighters to retire at age 55.

In the course of consideration of H.R. 4154 by the Education and Labor Committee, I offered an amendment to the ADEA's provisions concerning Federal workers. I proposed to add the words "Notwithstanding any other provision of Federal law relating to any mandatory retirement requirement. . . ." at the beginning of 29 U.S.C. 633a. It was my intention that this language would override Federal mandatory retirement provisions

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OPM - REG'L OPNS

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Ms. Constance Horner  
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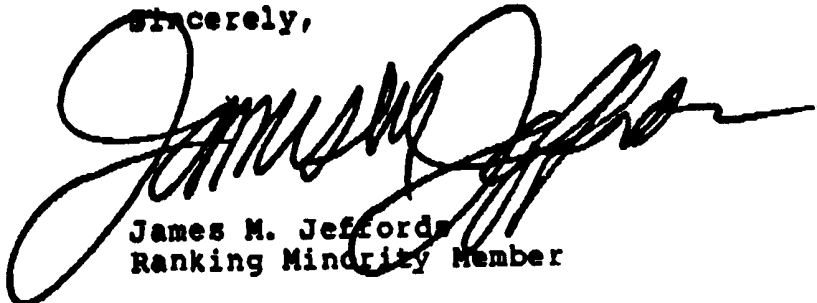
like those in the preceding paragraph and make all Federal employees in the executive branch (together with judicial and legislative branch employees who are in the competitive service) subject to the protections of the ADEA.

For procedural reasons the Committee did not consider my amendment; however, I intend to offer the same amendment when this measure is considered on the Floor of the House. In conjunction with this effort, I would appreciate your providing me some technical assistance. Specifically, I would like to have a list of the positions in the executive branch subject to mandatory retirement (with references to the statutes or regulations requiring retirement), the age at which retirement is required for each position, and the approximate number of people who serve in each position. If there are any positions in the competitive service in the judicial or legislative branches for which retirement is mandated, I would like to have the same information with respect to these positions. Lastly, I would like to know what, if any, adjustments in Federal personnel and retirement policies might have to be made if my amendment were adopted.

H.R. 4154 may be taken up on the Floor of the House in the near future, so I would appreciate receiving your response to this request as soon as possible. If you have any questions about it, please contact Jeff Fox at 225-7101 or Mark Powden at 225-3725.

Thank you for your assistance.

Sincerely,



James M. Jeffords  
Ranking Minority Member

cc: Hon. Augustus Hawkins,  
Chairman, Committee on Education and Labor